

# Exhibit 5

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION  
6 OPIATE LITIGATION

Case No.  
1:17-MD-2804

8 APPLIES TO ALL CASES

Hon. Dan A.  
Polster

9  
10 Case No. 1:17-MD-2804

11 - - -

12 January 17, 2019

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
14 CONFIDENTIALITY REVIEW

15 Videotaped deposition of  
16 DOUGLAS BOOTHE, held at 250 Hudson Street,  
17 New York, New York, commencing at 9:00 a.m.,  
18 on the above date, before Marie Foley, a  
19 Registered Merit Reporter, Certified  
20 Realtime Reporter and Notary Public.

21 - - -

22 GOLKOW LITIGATION SERVICES

23 877.370.3377 ph | 917.591.5672 fax

24 Deps@golkow.com

1           form; argumentative; asked and  
2           answered.

3           A.     Again, a financial evaluation  
4     could be some set of potential revenues,  
5     costs, some sort of a P&L, some sort of an  
6     MPV. There's all sorts of different  
7     models. They could be product specific.  
8     They could be class specific. They could  
9     be region specific. I don't know what --  
10    inputs could be GDP growth. There's all  
11    sorts of things that could go into a  
12    financial evaluation. It could be some  
13    sort of a model. There could be scenarios  
14    on it.

15                   But I -- you asked me  
16    specifically about what Ms. McCormick, and  
17    I just asked if you could show me an  
18    example, I could comment on it.

19           Q.     Did you review marketing  
20    forecasts for pipeline products?

21                   MS. WELCH: Objection to form.

22           A.     Yes.

23           Q.     Did you review sales projections  
24    for products, including opioids?

1 MS. WELCH: Objection to form.

2 A. Yes.

3 Q. You reviewed annual budget and  
4 three-year plan processes?

5 A. Yes.

6 Q. Did you have to approve  
7 marketing expenses?

8 MS. WELCH: Objection to form.

9 A. No. I mean, certainly to a  
10 certain level of authorization. So  
11 certainly we had a delegation of  
12 authority. We had an authorization  
13 process. Certain levels of expenses could  
14 be approved depending on your -- your --  
15 your authority level, at a director level  
16 or at a manager level, at a VP level or at  
17 a senior VP level and ultimately to me.

18 So, depending on the amount of  
19 the expense, either my team would do them  
20 or I would do them.

21 Q. Are you aware of what marketing  
22 tools were used by Actavis to drive sales  
23 of its generic drugs, including opioids,  
24 while you were at the company?

1 MS. WELCH: Objection to form.

2 A. What do you mean by marketing  
3 tools?

4 Q. Do you have a general  
5 understanding of what a marketing tool is?

6 A. I'd be happy if you provided  
7 some, I could comment if I thought that  
8 was a marketing tool or not.

9 I mean, generic drugs generally  
10 don't do a lot of marketing.

11 Q. Actavis did have a generics  
12 marketing department; did it not?

13 A. Yes.

14 Q. And, did that department have  
15 work to do?

16 A. Yes.

17 Q. And, what are the marketing  
18 mechanisms that the company used to market  
19 its generic drugs?

20 MS. WELCH: Objection to form.

21 A. Again, the marketing department  
22 predominantly did forecasting. So, the  
23 marketing team, as Ms. McCormick led,  
24 would look at the marketing information

1 provided by third parties such as IMS,  
2 look at script datas, and then would look  
3 at -- that would help to inform from a  
4 trend perspective what the available  
5 scripts would be.

6 The marketing team also was  
7 involved in prelaunch activities. So the  
8 extent of which when we were putting a  
9 product to market, we would have to make  
10 certain that it was registered and that we  
11 had labeling for it, that we actually  
12 participated in trade events, that we  
13 sometimes we would put an advertisement,  
14 or form of an announcement. Really not  
15 advertisement. Announcement that products  
16 were available. We had a product catalog  
17 that was available in both hard copy and  
18 electronic.

19 But the bulk of the marketing  
20 team, and I'm using quotes for marketing  
21 'cause most of the activity that the  
22 marketing activity does in a generic drug,  
23 it's not unique to Actavis, is mostly  
24 product forecasting and then working very